

REMARKS

Claims 1-24 are rejected.

Claims 4, 12 and 14 are objected to.

Claims 1, 4, 7, 14, 17, and 21 have been amended. Support for the amendments can be found, at least, in paragraphs 35 and 41 and in FIG. 2F of the specification.

Claims 6, 12, 18, and 22 have been canceled.

Claims 1-5, 7-11, 13-17, 19-21, and 23-24 remain pending.

Claim Objections

Claims 4, 12 stand and 14 objected to because of informalities. Claims 4 and 14 have been amended to correct these informalities. Claim 12 has been canceled.

Rejection of Claims under 35 U.S.C. §101

Claims 1-3, 6, 17, 18, 20, 21, 22, and 24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Among other features, amended claim 1 recites “updating information identifying a set of regions designated for replication to a second volume” in order to add a first region to the set of regions identified by the information. This is a practical application within the technological arts in that by updating the information, the method ensures that the first region will be replicated from the first volume to the second volume. Accordingly, claims 1-3 and 6 are directed to statutory subject matter.

Rejection of Claims under 35 U.S.C. §103

Claims 1-8, 11, 13, and 14-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Huras, U.S. Patent Publication No. 2005/0278393 (“Huras”), in view of Shih et al., U.S. Patent No. 6,615,223 (“Shih”). Applicants respectfully traverse this rejection.

As amended, claim 1 recites:

determining that a change occurred to data in a first region of a first plurality of regions of a first volume, wherein the change resulted from a restore operation; and
in response to determining that the change occurred, updating information identifying a set of regions designated for replication to a second volume, wherein subsequent to the updating the information, the first region is included in the set of regions designated for replication to the second volume.

The cited art does not teach or suggest determining that a change, which resulted from a restore operation, occurred to a first region of a first volume and in response updating information identifying a set of regions designated for replication, as recited in claim 1. Huras is focused on selectively processing a particular log file based on the whether the log file contains any records of interest. Huras, Abstract. Shih is concerned with replicating a table that list change records. Shih, col. 5. Neither Shih nor Huras teaches or suggests updating information identifying a set of regions designated for replication, in response to determining that a change, which resulted from a restore operation, occurred.

Accordingly, the cited art does not teach or suggest claim 1. Claims 2-5, 7-8, 11, and 13 are patentable over the cited art for at least the foregoing reasons. Claims 14-17, 19-21, and 23-24 are patentable over the cited art for similar reasons.

Claims 9, 10, and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Huras, in view of Shih, as applied to the rejection of claim 1, in further view of Lomet, U.S.

Patent No. 6,578,041 ("Lomet"). Claims 9 and 10 are patentable over the cited art for at least the foregoing reasons set forth above with respect to claim 1.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

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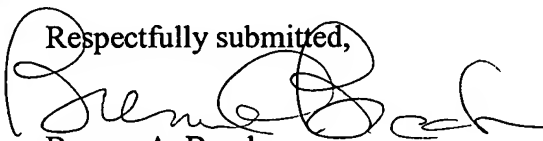


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6/23/2006

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Respectfully submitted,



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